

DOCKET FILE COPY ORIGINAL

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Declaration

DEC - 6 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I, Nicholas Westbrook, Executive Director of Fort Ticonderoga Association, Inc., do hereby state, under penalty of perjury, that to the best of my knowledge and belief the following is true and correct:

1. The Fort Ticonderoga Association, Inc. (Association) is a non-profit educational association formed in 1931 to insure the long term preservation of Fort Ticonderoga in the State of New York. In conjunction with its efforts to preserve the Fort, the Association has acquired related properties including Mt. Defiance. The Association leases space on a tower located on Mt. Defiance to various companies.

2. The Association is governed by an 18 member board of trustees. I am not a member of the Board. I have been the executive director of the Association since January 1989.

3. I hold a Bachelor's and a Master's degree in American History and I have continued course work towards my PhD.

4. On or around September 18, 1991, I received a telephone call from Alex McEwing who identified himself as a representative of Family Broadcasting. My telephone conversation with Mr. McEwing lasted approximately 10 minutes. During our conversation, McEwing told me Family Broadcasting was interested

Federal Communications Commission

Docket No. 94-20 Exhibit No. 1

Presented by MASS MEDIA

Disposition { Identified 11/2  
Received \_\_\_\_\_  
Rejected 11/2

Reporter BARBARA LORD

Date 11/2/94

RECEIVE ATTACHMENT 1  
only

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FEDERAL COMMUNICATIONS COMMISSION  
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in using the tower located on Mt. Defiance as an antenna site for an FM station which would serve Hague, New York. He told me that Family Broadcasting intended to broadcast religious programming and that to obtain the frequency they had to file an application with the FCC by the end of the week. According to McEwing, the frequency was to be made available by the FCC on a first come, first served basis.

5. In response, I informed Mr. McEwing that if Family Broadcasting was interested in using the Mt. Defiance site, it would have to submit a formal written proposal. I emphasized his need to submit an immediate written proposal in order for it to become part of the Agenda for the quarterly meeting of the board of trustees on October 5, 1991. If he failed to meet that deadline, I told him the next "window" for considering Family's proposal would be the board's January/February 1992 winter meeting. I understood him to tell me that he would have a written technical and financial proposal in our hands immediately.

6. During our telephone conversation, rent of \$500 a month for space on the Mt. Defiance tower was mentioned. I recall that McEwing told me that Family Broadcasting would "make it worthwhile" for the Association to have Family Broadcasting on the tower. I told him that he should include in his written proposal what rent Family Broadcasting would pay and other

technical information to permit the Association to determine the compatibility of Family Broadcasting's proposal with the tower's existing tenants. At the time, telephone repeater equipment, emergency radio equipment, a radio station, cable television equipment and a repeater translator for a public television station, were broadcast tenants on the mountain. I also told Mr. McEwing that the Association's tower leases require that, to insure technical compatibility, we submit all technical proposals to the tower's current tenants for their review.

7. I do not recall Mr. McEwing at any point asking whether Family Broadcasting could specify Mt. Defiance as its antenna site. Had he done so, my answer would have been no. Without first obtaining the approval of the board of trustees and the other tenants, I could not unilaterally approve the specification by Family Broadcasting of the site. When no written proposal was received from McEwing by the date of the October board meeting, I presumed the matter was dead. In the absence of a written proposal by Family Broadcasting, the matter was not raised at the October meeting.

8. I first learned that Family Broadcasting had specified Mt. Defiance as its antenna site when reading the legal notices in "The Times of Ti," on November 11, 1991 (Attachment 1, hereto). I regularly read such notices as part of my job. During my brief telephone conversation with him, Mr. McEwing had

not provided me with an address or phone number. To communicate with Mr. McEwing, I had to call the Hague, New York, Town Clerk to obtain his address.

9. On November 14, 1991, I sent a letter to Mr. McEwing (Attachment 2, hereto) with copies to the FCC; Fort Ticonderoga Association President and counsel; the town clerk, Town of Hague; and David Galletly, WAMC.

10. On January 15, 1992 I sent a letter to Dennis Williams, chief of the FCC's FM Branch (Attachment 3, hereto).

11. On June 1, 1993, I received a copy of a response filed by Family Broadcasting to a Commission letter dated May 24, 1993. That response included a statement dated May 28, 1993, by Mr. McEwing concerning our telephone conversation on or around September 18, 1990, discussed, supra (Attachment 4).

12. On June 7, 1993, I sent a letter to Donna Searcy, Secretary, FCC, transmitting my reply to the May 28 1993 statement of Alex McEwing (Attachment 5, hereto).

13. In my opinion had Family Broadcasting submitted a formal written request for use of the Mt. Defiance tower the Board of Trustees would have been open to considering the proposition.

14. I have been provided with a copy of a four page document entitled "Testimony of Peter Morton" and a one page "Supporting Declaration" of Mr. Morton bearing what purports to be Mr. Morton's signature and the date of October 15, 1994. In his testimony Mr. Morton discusses two conversations with me; one in person and the other by telephone.

15. I recall meeting Mr. Morton in my office in the summer of 1991. At the time Mr. Morton was the new manager of WIPS-AM, Ticonderoga, New York. WIPS-AM uses a broadcast tower on property owned by the Association located near the shore of Lake Champlain about one mile from Mount Defiance.

16. During our discussion, Mr. Morton noted the troubled financial situation of WIPS-AM's owners, Empire State Radio. I had become painfully aware of the desperate financial condition of Empire State Radio since becoming Executive Director of the Association in 1989. Mr. Morton informed me that he might have an opportunity to acquire WIPS-AM at a very favorable price. He inquired about the Association's potential interest in a transfer of the lease to him and his potential associates and asked about our general financial requirements.

17. I emphasized our strong desire to keep the station from going silent, recognizing that the community would lose forever a tremendous asset. I recall joking that, without the station,

kids would never know when they had a "snow day." Mr. Morton explained his extensive experience in broadcasting, much of it in community focused stations.

18. We discussed a potential rental fee framework, including both a fixed amount and a percentage of gross. I noted that the Association owned only the tower by the lake and that he would have to negotiate separately for the studio building located in the village of Ticonderoga.

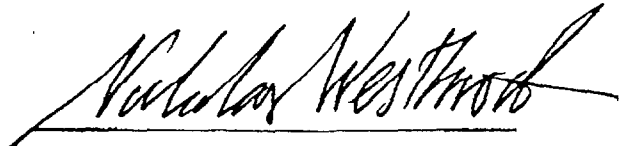
19. My conversation with Mr. Morton was hypothetical on both sides. I understood Mr. Morton to be seeking an opportunity to own his own station, but he needed a business plan and financial backers. I invited him to return when he had a firm written proposal. In my opinion, I never gave Mr. Morton "reasonable assurance" of anything during our conversation. In any case, at no time do I recall discussing with Mr. Morton the Association's completely separate broadcast facilities on Mount Defiance.

20. I have no recollection nor any notes of the subsequent telephone call referred to by Mr. Morton. To the best of my knowledge, I never heard from Mr. Morton again, and he subsequently left WIPS and this community.

21. Mr. Morton also mentions a discussion I supposedly had

with a Brian Larson of Valley Falls, New York. I have no recollection nor any notes or any correspondence concerning the purported communication with Mr. Larson.

22. I have also been provided with a copy of the four page "Testimony of Gary S. Savoie" and his "Supporting Declaration" dated October 17, 1994. I have never spoken with Mr. Savoie.

A handwritten signature in cursive script, reading "Nicholas Westbrook", written over a horizontal line.

Nicholas Westbrook

28 October 1994

Date



22-MONDAY, Nov. 11, 1991

TIMES OF TI

## LEGALIS

## LEGALIS

## Legal Notice

## PUBLIC NOTICE

On September 24, 1991, Harvest Broadcasting, Inc., d/b/a Family Broadcasting, Inc., a for-profit corporation, filed an application with the Federal Communications Commission seeking authority to construct a new FM station in Hague, New York, operating on Channel 229A1 (93.7 MHz) with an effective radiated power of 4.3 kW from an antenna 25 meters above ground. The antenna and transmitter will be located on the top of Mount Delancey.

The officers, directors and shareholders of Family Broadcasting, Inc. are: Alexander D. McEwing, President/Director, 51 percent shareholder; Arthur D. McEwing, Vice President/Director, 37 percent shareholder jointly with his spouse, Jennie McEwing; Susan M. McEwing, Secretary/Director; Robert Peake, Treasurer, 1.1 percent shareholder jointly with his spouse, Pamela Peake; Canaan Foundation, 10 percent shareholder; Timothy Dodge, 4 percent shareholder; and Dennis Fennel, 1.2 percent shareholder.

A copy of the application and any subsequent amendments or related material will be on file and available for public inspection during regular business hours, Monday through Friday, at the Hague town hall public offices, Rt. 3, Hague, NY 11711-1112/291-47P-700.

## Legal Notice

## NOTICE OF PUBLIC HEARING ON LOCAL LAW

PLEASE TAKE NOTICE that there has been presented to the Board of Trustees of the Village of Port Henry, Essex County, State of New York, Local Law No. 1 for the year 1991 entitled: "A Local Law increasing the sewer rents in the Village of Port Henry."

THEREFORE, pursuant to Statute, the Board of Trustees of the said Village of Port Henry will hold a public hearing on the aforesaid Local Law in the Village Hall, 25 South Main Street, Port Henry, New York, on Monday, December 2, 1991, at 7:00 P.M.

By Order of the Village Board of the Village of Port Henry  
Dated: November 6, 1991  
11-11/91-1TC-699

## Legal Notice

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Essex County Industrial Development Agency will hold a public hearing on Wednesday, November 20, 1991 at 9:00 A.M. at the office of the Essex County Industrial Development Agency, Church Street, Elizabethtown, New York, with respect to a resolution authorizing Essex County Industrial Development Agency to issue up to \$2,200,000.00 in aggregate principal amount of its Taxable Industrial Revenue Bonds, 1991 Series A (M & S Partnership Project) (or such similar designation as shall be deemed appropriate by the issuer) The proceeds of which will be used for acquisition, construction, renovation and equipping of a motel facility located in the Village of Saranac Lake, County of Essex, New York, and authorizing necessary documents and the taking of any other action necessary to be taken by the Essex County Industrial Development Agency to cause the issuance and sale of such Industrial Development Bonds.

All interested persons are invited to attend such public hearing to express their views with respect to the issuance of the Industrial Revenue Bonds. Questions and requests for additional information may be directed to Barbara Sweet, Secretary of the Issuer, Church Street, Elizabethtown, New York 12932, 518-873-9114.

Dated this 1 day of November, 1991, Essex County Industrial Development Agency.  
11-11/91-1TC-697  
VN-11/1291-1TC-697A

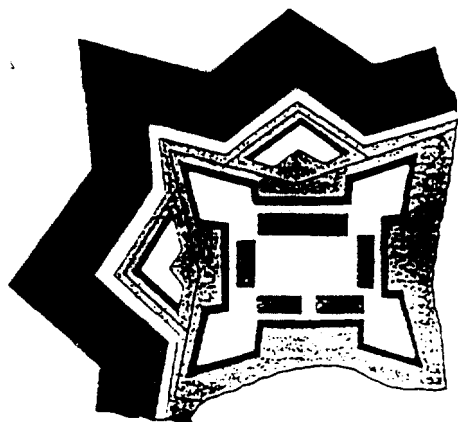
## Legal Notice

There will be a public hearing on November 12, 1991 at 7:00 on the Local Law 43 for the year 1991 concerning the TAX EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE AND OLDER.

A copy of the law is available in the Clerks office for inspection.

V. Kay Otley  
Village Clerk  
11-11/91-1TC-695

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JBP  
Dave  
galletty  
(fax)

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COPY

FOR TICONDEROGA

Fort Road Ticonderoga, New York 12885  
(518) 585-2821 fax: (518) 585-2210

14 November 1991

Alexander D. McEwing  
Family Broadcasting, Inc.  
P.O. Box 150  
Waterbury, Vermont 05676-0150

Dear Mr. McEwing,

I was greatly disturbed to read the legal notice in the Times of Ti (11 November 1991, p. 22) declaring your intention to seek approval from the FCC for an FM broadcast facility based on Mount Defiance. Neither you, nor Family Broadcasting, nor Harvest Broadcasting, nor any other related entity have approval to do so from the property owners, the Fort Ticonderoga Association.

When you telephoned in early September to inquire about lease possibilities during this current FCC "window," I stated clearly that we would consider written proposals only, detailing technical and financial implications. I noted that we had an upcoming Board of Trustees meeting in early October. Your only subsequent communication was the legal notice referred to above.

Your representation to the FCC is made under false premises: namely, that you have "reasonable assurance" of lease of appropriate broadcast facilities "on the top of Mount Defiance." That assurance has not been offered or implied -- and will not be. We do not do business in this manner.

By copy of this letter, we are so advising the FCC and asking our attorney to take appropriate legal action to protect the interests of the Fort Ticonderoga Association.

Sincerely,

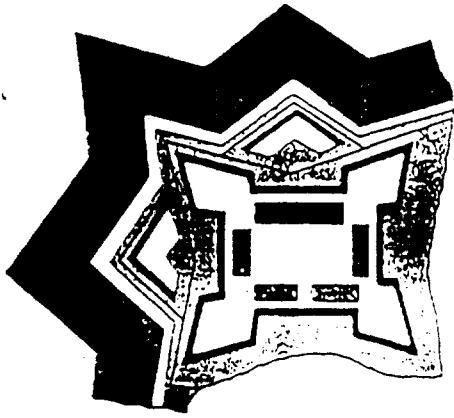
Nicholas Westbrook  
Director

cc: John B. Pell, President, Fort Ticonderoga Association

KL: FLL

Registration Date: 11/14/91

Fort Ticonderoga Association - 9



## FORT TICONDEROGA

Fort Road, Box 590, Ticonderoga, New York 12885

(518) 585-2821

fax: (518) 585-2210

15 January 1992

Dennis Williams  
Chief, FM Branch  
Federal Communications Commission  
Room 332  
1919 M Street NW  
Washington, D.C. 20554

RE: File #BPH 91-9024 MB

Dear Mr. Williams,

The Fort Ticonderoga Association wishes to advise you that, as owners of the broadcasting tower site on Mount Defiance in Ticonderoga, New York, we have no intention of leasing tower access to Harvest Broadcasting, Inc. (d/b/a Family Broadcast-inc, Inc.) despite the company's allegation to the contrary in its legal notices and its current FCC application for access to channel 229A1 (93.7 MHz) serving Hague, New York.

There was no basis whatsoever for Mr. McEwing's assumption of "reasonable assurance" that his company could secure a lease from the Fort Ticonderoga Association. Despite Mr. McEwing's subsequent assurances that the application would be modified to indicate another tower location, my understanding is that his company's original application remains in place.

I believe the enclosed correspondence is self-explanatory. Please call or write if you have further questions.

Sincerely,

Nicholas Westbrook  
Executive Director  
Fort Ticonderoga Association

Encl.: letter to Alexander D. McEwing, 14 November 1991

MAY & DUNNE, CHARTERED  
1000 THOMAS JEFFERSON STREET, N.W.  
SUITE 520  
WASHINGTON, D.C. 20007  
TELEPHONE: (202) 298-6345  
TELECOPIER: (202) 298-6375

Copy

## TELECOPIER COVER SHEET

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Date: 6/1/93Time: 12:30 p.m.TO: Name: Nicholas WestbrookCompany: Fort TiconderogaTelecopier No.: 1-518-585-2210Client Reference No.: B91FROM: Name: Joseph E. Dunne IIIOperator: GMCMessage: \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_Confirmed? yes; Original Sent? yesTotal number of pages including cover sheet: 13PLEASE CALL OPERATOR IF ALL PAGES ARE NOT RECEIVED!

JUN 01 '93 01:48PM MAY & DUNNE

F.3412

JOSEPH E. DUNNE III  
COLBY M. MAY

ALSO ADMITTED IN VIRGINIA

MAY & DUNNE  
CHARTERED  
ATTORNEYS AT LAW  
1000 THOMAS JEFFERSON STREET, N.W.  
SUITE 520  
WASHINGTON, D.C. 20007  
(202) 298-6345

RICHARD G. GAY  
OF COUNSEL  
TELECOPIER NO.  
(202) 298-6375

June 1, 1993

HAND DELIVER

Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

ATTN: FM Branch, Audio Services Division

RE: 1800B3-MFW: Application of Family Broadcasting, Inc. for  
A New FM Radio Station To Serve Hague, New York (BPH-  
910924MB)

Dear Ms. Searcy:

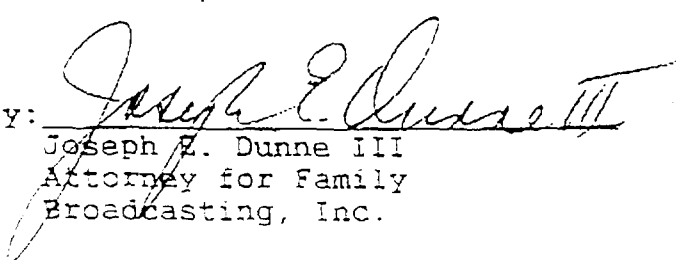
Transmitted herewith on behalf of Family Broadcasting, Inc. is an original and two copies of its response to the Commission's letter, dated May 24, 1993, concerning the above-referenced pending application.

Should any questions arise concerning this matter, kindly contact the undersigned directly.

Respectfully submitted,

MAY & DUNNE, CHARTERED

By:

  
Joseph E. Dunne III  
Attorney for Family  
Broadcasting, Inc.

JED:gmc:391  
enclosures

cc: Michael F. Wagner, Esq. (FCC Room 318, Hand Deliver)  
Nicholas Westbrook (via telecopier and overnight express)  
Hague, New York Public File  
Alex D. McEwing

## VERIFIED STATEMENT

I, Alex D. McEwing, under penalty of perjury of the laws of the State of Vermont and the United States of America, hereby depose and say as follows:

1. I am the president of Family Broadcasting, Inc., which has applied for a new FM radio station to serve Hague, New York. I am responsible for preparing and reviewing the application for Hague, New York, file no. BPH-910924MB, and certified that the representations in the application are true and accurate.

2. I began looking for a site for the Hague application, and determined that the Mt. Defiance site was the best site for the application. I telephoned an acquaintance, Mr. Dave Galletly at WANC, to find out if he knew who controlled the site. He did, and gave me the name of "Nick Westburg (sic)" and Mr. Westbrook's telephone number. Mr. Galletly was familiar enough with the site to give me technical information concerning the site, and he told me that space might be available on the tower. My notes of the conversation with Mr. Galletly and subsequently, with Mr. Westbrook, are attached as Attachment A.

3. As noted in Family's telephone records (included in Attachment B), I called Mr. Westbrook immediately concerning the Mt. Defiance antenna site. I was under some time pressure to get the application on file as soon as possible, because the allocation was vacant and I knew that this was a "first come-first served" application. I introduced myself as a representative of Family Broadcasting, and stated that I knew that they had a tower and that I wanted to check to see if the tower were available for an FM for which Family was applying to serve Hague, New York.

4. Mr. Westbrook stated that they needed a "formal proposal," and proceeded to discuss with me what should be included in such a proposal. Mr. Westbrook stated that they would need to know the lessee's tax status, and I explained what Family's tax status was. He also noted that the proposal should include the sort of rent we proposed to pay, the time frame in which we anticipated that the station would be built, how much room Family would require in the building, and approximately how much electricity the station would use.

5. During the conversation I believe I mentioned the sort of rent we would be suggesting, and my note concerning "tenant 18 of gross" refers, I believe, to a comment by Mr. Westbrook about how much rent they were presently receiving from one of their tenants.

6. Following this discussion I explained to Mr. Westbrook that the FCC process was a long process, and that Family would not likely receive a construction permit to build the station for 18 months to three years. It would be many months before we would need space on

the tower. I also told him, however, that we were under some time constraints to get the application on file. I explained to him that all the FCC required to allow an applicant to file an application was "reasonable assurance" that the site would be available. I told Mr. Westbrook that "reasonable assurance" required that he had a site available and that he would be willing to rent the site to us. I told him that we didn't need to agree on a specific monthly rental, that those details could be negotiated in the future if they were willing to rent the site to us.

7. Because we were in a hurry to get the application on file, I asked Mr. Westbrook: "do you have any objections to us filing an application on the Mt. Defiance site." Mr. Westbrook expressed no objection, but said that he had a board meeting coming up soon, and that he would like a letter to present to the board. I told him that I would get him a letter outlining our formal proposal as soon as I could.

8. As noted, the telephone conversation took a little over 10 minutes and was friendly. When I asked Mr. Westbrook if he had any objections to us specifying the site, and he did not express any, I thought he had agreed with us. My belief, following the phone conversation, was that he would not object to Family specifying the site, and that I would have to get a formal proposal to him to begin the negotiation process. I intended to get such a proposal to Mr. Westbrook as soon as I could.

9. I did not, however, get such a proposal to Mr. Westbrook as soon as I had promised. During this same time period Family filed a Petition for Reconsideration of the Commission's action with respect to WGLY, which required my presence in Washington for an entire week (the Petition was filed October 7). WGLY was also preparing for and conducting its annual fund-raising drive, a major station activity that consumed almost all of my time during the first two weeks of October. Family was also commencing station construction on WGLV, Hartford, Vermont.

10. When I received Mr. Westbrook's letter dated November 14, 1991, I was shocked and disturbed. I thought he had had no objections. That same day I faxed him a letter, which I have attached in Attachment C, and attempted to follow that letter up with a telephone call about an hour later. I hoped to clear up this misunderstanding, and sooth his angry feelings. I hoped, and hope, to be a neighbor in that area, and I don't want any enemies. After some time on hold Mr. Westbrook's secretary told me that Mr. Westbrook "was unable to take the call."

11. Based on Mr. Westbrook's letter, and his failure to take my call, Family amended its application to specify a new site on January 23, 1992.

12. This entire controversy, and the hard feelings it has apparently caused Mr. Westbrook, are the result of a simple misunderstanding. When I asked him if he had no objections, and he expressed none, I thought that he had agreed. Hague/Ticonderoga is a small community, people know one another here. The chances of filing an application specifying a site without that person discovering the fact are pretty small. If I had purposefully or consciously misrepresented Mr. Westbrook's attitude I would be dumb to do so when he would be certain to discover that the application had been filed--as events show that he did. If I had purposefully misrepresented his consent, why would I make sure that the public notice specifying the site was published? I know people in the Hague/Ticonderoga area who know Mr. Westbrook. Would I have consciously misrepresented his attitude when common acquaintances knew of the filing of the application? I'm sorry we had this misunderstanding, but Family specified a new site as soon as it could after Mr. Westbrook made his objections known to us, and we hope that we'll have a chance soon to build and operate Hague's first broadcast station.

Executed this 28th day of MAY, 1993.

Alex D. McEwing  
Alex D. McEwing



JUN 01 '93 01:50PM MAY & DUNNE  
MAY 29 '93 04:56PM MAY & DUNNE

F.S. 13  
P. 6/13

FAMILY BROADCASTING, INC.

ATTACHMENT A

NOTES OF TELEPHONE CONVERSATION

- 61 -

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FOI 90M-942

2575

In re Applications of

FAMILY BROADCASTING, INC.

GEORGE M. RAGSDALE, DANIEL F. VILES, JR.,  
and GREGORY T. LANO d/b/a MID-ATLANTIC  
BROADCASTING COMPANY

WAMC

R. BRYAN JACKSON

For Construction Permit for a New  
FM Station on Channel 242A in  
Voorheesville, New York

MM DOCKET NO. 89-504

File No. BPH-871215MA

File No. BPH-871215MC

File No. BPED-871216MA

File No. BPH-871216ME

O R D E R

Issued: April 24, 1990

Released: April 26, 1990

IT IS ORDERED, That the "Motion To Dismiss" filed April 23, 1990 by  
WAMC IS GRANTED and the application of WAMC IS DISMISSED with prejudice. <sup>1</sup>

FEDERAL COMMUNICATIONS COMMISSION

*Joseph Chachkin*

Joseph Chachkin  
Administrative Law Judge

1 WAMC and the remaining parties are directed to file a declaration  
stating that they have not directly or indirectly received, paid or promised  
any consideration in exchange for the dismissal of WAMC's application.

*Handwritten notes:*  
Nick Westburgs - Town site  
565-2621  
Fert Trcondrook  
David  
Town Site:  
1/2 of town  
Town site  
1/2 of town  
Town site  
1/2 of town

*Handwritten notes:*  
Westbrook  
Nick  
12883  
Ticonderoga, NY  
P.O. Box 390

JUN 01 '93 01:51PM MAY & DUNNE

MAY 25 '93 04:57PM MAY & DUNNE

P.8/13

FAMILY BROADCASTING, INC.

ATTACHMENT B

FAMILY TELEPHONE RECORDS

## LONG DISTANCE NORTH

16/03/60-16/10/50 For 11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31

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FAMILY BROADCASTING, INC.

ATTACHMENT C

LETTER TO MR. WESTBROOK

# FAMILY BROADCASTING INCORPORATED

P.O. BOX 150 WATERBURY, VT 05676-0150 (802) 244-5633

November 18, 1991

Mr. Nicholas Westbrook  
Fort Ticonderoga  
Fort Road, Box 390  
Ticonderoga, New York 12883

*\* Faxed and mailed  
first class \**

fax (518) 585-2210

Dear Mr. Westbrook:

My sincere apologies for the misinterpretation...I am truly sorry if you were offended. We had no intentions to offend you.

I specifically told you on the phone when I talked with you, that the FCC is a long process, and that if you had no objections we would be filing an application for Hague, NY with a proposed transmitter on Mt Defiant obviously pending your formal approval. We have a written option on another transmitter site to use for this proposed facility. But, it was my impression from you that your organization might have some interest in leasing space for the right price and terms - by legal definition of "reasonable assurance" - that impression is all that is necessary to file an FCC application - it gets the long process rolling.

Our intention was to file the application based on our impression that there was a tower rental opportunity available, and then formally submit the letter you requested. We have not previously encountered such vehement objections to this process. If you have no interest as today's letter seems to state, then we will pursue more substantial plans at our alternate sites. Frankly, we don't really care what site this FM ends up - my mistake for thinking you would enjoy an extra few hundred dollars a month.

Thank you for clearly letting us know your position. We will pursue our alternate plans.

Sincerely,  
*Alexander McEwing*  
Alexander McEwing  
President

Family Broadcasting, Inc.

cc: Joe Dunne III, Esquire, May & Dunne Chartered  
Gary Savore, Minkwood Engineering  
Mass Media, FCC

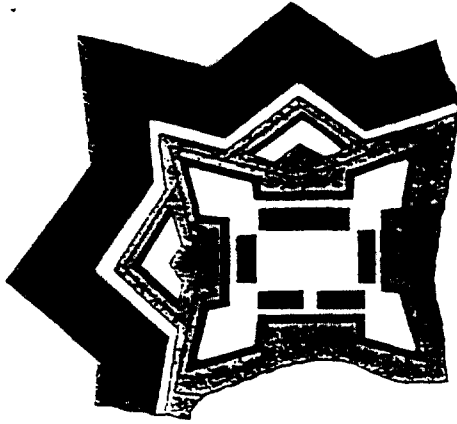
WGLY  
Family 103  
Waterbury/  
Burlington

WGLY  
Family 104  
Hartford/  
Hanover  
P.O. Box 4723  
White River Jct., VT  
05001-4723  
(802) 295-6999

Channel 39  
Family 17  
Essex/  
Burlington

P.O. Box 3280  
Essex, VT  
05452-3280  
(802) 878-6865





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## FORT TICONDEROGA

Fort Road, Box 590, Ticonderoga, New York 12885  
 (518) 585-2821

fax: (518) 585-2210

7 June 1993

Ms Donna Searcy  
 Secretary  
 Federal Communications Commission  
 Room 222  
 1919 M Street NW  
 Washington, D.C. 20554

RE: 1800B3-MFW Application of Family Broadcasting, Inc. for FM license to  
 serve Hague, New York, (BPH-910924 MB)

Dear Ms Searcy,

Enclosed is the reply of Fort Ticonderoga Association, Inc., to the Commission's  
 letter of 24 May 1993 inviting response to the statement of Family Broadcasting,  
 Inc., dated 1 June 1993.

Please contact me if you have questions.

Cordially,

Nicholas Westbrook  
 Director

cc: Alexander D. McEwing, President Family Broadcasting, Inc.  
 Joseph E. Dunne III, Esq., May & Dunne, Attorneys for Family Broadcasting

cc - Lee Korb, FCC Public Services Division (202-632-3954, ext 73)  
 above address, Room 322 of the FCC Building, Washington, D.C.

RETAIN THIS NUMBER-CUSTOMER  
 RECEIPT WILL BE MAILED TO YOU.

R833095523X